

05/09/01
JC821 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No: 82528
Anticipated Classification
of this application:
Class 438 Subclass 584
Prior Application:
USSN: 09/563,740
Examiner: Munson, G.
Group Art Unit: 2811

Box Patent Application
Hon. Commissioner of Patents and Trademarks
Washington, DC 20231

09/853925
JC821 U.S. PTO
05/09/01

TRANSMITTAL OF FILING UNDER 37 CFR §1.60(B)

Sir:

This is a request for filing a

Continuation
 Divisional

application under 37 CFR §1.60, of pending prior application serial no. 09/563,740 filed on May 3, 2000, for Electronic Devices with Diffusion Barrier and Process for Making Same.

1. Copy of Prior Application as filed which is attached

I hereby verify that the attached papers are a true copy of what is shown in my records to be the above identified complete prior application, including the oath or declaration originally filed (37 CFR 1.60).

The copy of the papers of prior application as filed which are attached are as follows:

34 pages of specification
 6 pages of claims
 1 pages of abstract
 9 sheets of drawings
 1 page of declaration and power of attorney

in accordance with the indication required by 37 CFR 60(b) my records reflect that the original signed declaration showing applicant's signature was filed on May 3, 2000.

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the amendment referred to in the declaration filed to complete the prior application and I hereby state, in accordance with the requirements of 37 CFR 1.60(b), that this amendment did not introduce new matter therein.

2. Amendments

Cancel in this application original claims 1-14 and 22-28 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

3. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

There is provided herewith a Petition to Suspend Prosecution for the time necessary to file an amendment (new application filed concurrently).

4. Information Disclosure Statement

An information disclosure statement is submitted herewith.

5. Fee Calculation (37 CFR 1.16)

	No. Filed	No. Extra	Rate	Basic Fee
				\$ 710.00
Total Claims	1 - 20 =	0 x	\$ 18 =	\$.00
Independent Claims	1 - 3 =	0 x	\$ 78 =	\$.00
[0] Multiple dependent claims			\$260 =	\$.00

Fee for extra claims is not being paid at this time. (37 CFR 1.16(d))

FILING FEE CALCULATION \$710.00

6. Small Entity Status

- A verified statement that this filing is by a small entity:
 - is attached
 - has been filed in the parent application and such status is still proper and desired (37 CFR 1.28(a)).

Filing Fee Calculation (50% of above) \$ _____

7. Drawings

- A copy of the original information drawings is enclosed.
- Transfer the formal drawings from the prior application to this application and, subject to item 17 below, abandon said prior application as of the filing date according to this application. A duplicate copy of this request is enclosed for filing in the prior application file.
- Transfer the following sheets of drawing from the prior application to this application
_____.
- A copy of the amendment canceling these sheets of drawing in the prior application is attached.
- New drawings are enclosed
 - formal
 - informal

8. Priority - 35 USC 119

- Priority of application serial no. _____ filed on _____ in _____ is claimed under 35 USC 119.
- The certified copy has been filed in prior U.S. application serial no. _____ on _____.
- The certified copy will follow.

9. Relate Back - 35 USC 120

Amend the specification by inserting before the first line the sentence:

"This is a

continuation

divisional

of copending application

Serial No. 09/563,740 filed on May 3, 2000.

International Application No. _____ filed on _____ and which designated the U.S.".

10. Inventorship Statement

(a) With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC 120 the inventors in this application are:

the same

less than those named in the prior application and it is requested that the following inventors identified above for the prior application is deleted:

(Names of inventors to be deleted)

(b) The inventorship for all the claims in this application are:

the same

not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

11. Assignment

The prior application is assigned of record to the United States of America.

An assignment of the invention to the United States of America, is attached. A separate "Cover Sheet for

Assignment (Document) Accompanying New Patent Application" or Form PTO 1906 is also attached.

12. Fee Payment being made at this time

- Not enclosed
- No filing fee is submitted.
- Enclosed
 - basic filing fee \$710.00
 - recording assignment \$ 40.00
(\$40.00 37 CFR 1.21 (h))
 - processing and retention \$ _____
fee (\$130.00 37 CFR 1.53
(d) and 1.21 (1))

TOTAL fees enclosed \$750.00

13. Method of Payment of Fees

- Enclosed is a check in the amount of _____.
- Charge Deposit Account No. 50-0967 in the amount of \$750.00. A duplicate of this request is attached.

14. Authorization to Charge Additional Fees

- The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of the application to Deposit Account No. 50-0967.
 - 37 CFR 1.16 (a), (f) or (g) (filing fees)
 - 37 CFR 1.16 (b), (c) and (d) (presentation of extra claims)
 - 37 CFR 1.17 (application processing fees)
 - 37 CFR 1.18 (issue fee at or before mailing Notice of Allowance, pursuant to 37 CFR 1.311 (b)).

15. Power of Attorney

The power of attorney in the prior application is to:
James B. Bechtel, Esq.
Reg. No. 29,890
Patent Counsel, NSWC Dahlgren Division

The power appears in the original papers in the prior application.

Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

A new power has been executed and is attached.

Address all future communications to:

James B. Bechtel
Reg. No. 29,890
Office of Counsel (Patents) Code CD222
Naval Surface Warfare Center
Dahlgren Division
Dahlgren, VA 22448-5100
Telephone: 540-653-8061
Facsimile: 540-653-7816

16. Maintenance of Copendency of Prior Application

A petition, fee and response has been filed to extend the term in the pending prior application until _____.

A copy of the petition for extension of time in the prior application is attached.

17. Conditional Petition for Extension of Time in Prior Application

A conditional petition for extension of time is being filed in the pending parent application.

A copy of the conditional petition for extension of time in the prior application is attached.

18. Notification in Parent Application of the Filing of this Continuation Application

A notification of the filing of this continuation is being filed in the parent application from which this application claims priority under 35 USC 120.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date May 8, 2001

By James B. Bechtel

James B. Bechtel
Reg. No. 29,890
Customer No. 23501

Attorney for Applicants
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Office of Counsel (Patents) (CD222)
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Telephone: 540-653-8061
Facsimile: 540-653-7816

CERTIFICATE OF MAILING VIA EXPRESS MAIL

I hereby certify that this paper (along with any referred to as being attached or enclosed is being deposited with the United States Postal Service on the date shown below with sufficient postage as to be sent by Express Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231.

Date: _____

Beverly D. Cook